



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 842

PRINTER'S NO: 955

PRIME SPONSOR: McIlvaine Smith

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
General funds of cities ^a , boroughs, townships, and town	\$0	\$0

^aThis bill does not apply to Philadelphia or Pittsburgh.

OVERVIEW:

House Bill 842 amends the Pennsylvania Municipalities Planning Code (Code) (1968, P.L.805, No. 247, reenacted and amended Dec. 21, 1988, P.L.1329, No.170) to create a new amendment procedure to cure defects in a municipal zoning ordinance pursuant to an appellate court decision. The Code applies to all counties and municipalities, except for the cities of Philadelphia and Pittsburgh and the County of Philadelphia.

Section 609 under the Code provides a general procedure for a municipality to amend its zoning ordinance. Under Section 609.1, a landowner may submit a curative amendment, which sets into motion a procedure for the municipality to consider the curative amendment. Section 609.2 provides a special procedure for a municipality to prepare and adopt a curative amendment to overcome invalid portions of its zoning ordinance.

This bill provides a special circumstance alternative procedure for curative amendments, which a municipality may invoke only once unless there is a substantially new duty or obligation imposed upon the municipality by an appellate court decision. The proposed procedure, when invoked, would relieve the municipality for entertaining other landowner curative amendments based on similar grounds. This new procedure can only be invoked for those circumstances where an appellate court finds the zoning ordinance, or portions thereof, to be invalid.

The effective date is July 1, 2009, or immediately, whichever is later.

ANALYSIS:

While a municipality will incur costs to implement the new proposed procedure, it would save money from not having to implement other procedures under current law. The procedures are similar enough that the resources required to implement them are also similar, except the procedure in Section 609.1 may in some circumstances require additional legal costs. It is unlikely, therefore, that the cost for the proposed procedure would be greater than the cost of current-law procedures. The costs and savings will likely cancel out each other, thus having no fiscal impact.

The following sources were used in the preparation of this fiscal note: the Local Government Commission, Pennsylvania State Association of Township Supervisors, and the Pennsylvania State Association of Boroughs.

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House Appropriations Committee, (D)

DATE: March 31, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*